UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

STAN JOSEPH,)
Plaintiff,)
vs.) No. 4:05CV2390-SNI
BI-STATE DEVELOPMENT AGENCY d/b/a)
METRO,)
Defendant.)

ORDER

Defendant's motion to dismiss Count II of plaintiff's First Amended Complaint together with a Motion to Strike is before the Court. Plaintiff was granted an extension of time to reply on or before March 10, 2006. Plaintiff now alleges that because of computer problems, he was unable to file his responsive pleading by March 10, 2006 and asks for additional time.

Defendant opposes the request.

Although computer problems sometimes can be resolved quickly and simply, on other occasions computer glitches create havoc. Accordingly, as counsel for plaintiff's problem has been resolved and the responsive pleading filed subject to approval, the Court will grant leave over defendant's objection.

IT IS THEREFORE ORDERED that plaintiff's motion to file Memorandum in Opposition to Defendant's Motion to Dismiss Out of Time is **GRANTED**.

Dated this 15th day of March, 2006.

SENIOR UNITED STATES DISTRICT HIDGE